

REMARKS

This Amendment is in response to the Office Action of March 21, 2006 in which claims 1-10 were rejected. By this Amendment, new claims 11-24 are added for consideration by the Examiner.

Regarding the 34 U.S.C. § 102(e) rejection of claims 1-10 based on Jobst et al (U.S. Patent No. 6,707,915), it is noted that the applicant fails to see any removable memory unit connected to the terminal 1 shown by Jobst for storing any software module much less one whose integrity is checked. The SIM card 16 of Fig. 2 of Jobst et al is mentioned in two places, i.e., at column 5, line 59 and at column 10, lines 17-18. The only reason it is mentioned is to indicate that the mobile terminal software may get a phone number of the software provider from a phone book stored on the SIM card once it has been imputed by the user or stored by the phone manufacturer in a memory location in the phone. Considering the fact that the present application has to do with integrity checking of a software module stored on a removable memory unit connected to the terminal, Jobst cannot therefore be a 35 U.S.C. § 102(e) reference since it does not identically disclose at least for that reason the claimed subject matter. Although Jobst shows the checking of a packet in Fig. 4 and the checking of a software block in Fig. 8, the integrity check is performed on software downloaded from the certification center 35 and is not performed on a software module stored on a removable memory unit connected to the terminal.

The checking in the present invention is in the reverse direction from that shown by Jobst et al. The present invention checks the integrity of software stored on a removable memory unit connected to the terminal by communicating via the mobile communication system with the software provider and receiving a digitally signed data block comprising a reference value for use during the integrity check of the software module. Jobst et al shows the reverse situation where software is to be downloaded and the phone checks the integrity thereof after it is received from the certification center. The present invention is not concerned with this scenario but rather addresses the problem with removable memory units in which the contents of the software has been altered for instance using a PC and then reinsert it into the

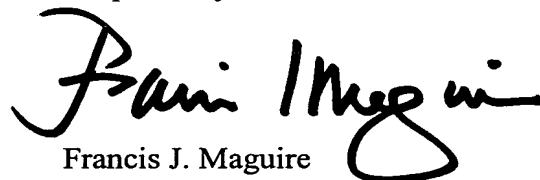
terminal in which the terminal tries to operate the software with modified and possibly undesirable results. If the system could test the integrity of the software before the software is allowed to take control of the communication terminal, it would be better for users to avoid such problems with their critical software modules which may not run right in critical applications such as electronic commerce that relies on integrity.

Furthermore, the Jobst et al reference does not qualify as a 35 U.S.C. § 102(e) reference because the subject invention was owned by the assignee of the Jobst et al patent at the time the present invention was made and therefore the “safe harbor” of 35 U.S.C. § 103 applies.

Withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-10 is requested.

The objections and rejections of the Office Action of March 21, 2006, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-24 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large, stylized "F" and "M".

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